REMARKS/ARGUMENTS

After the foregoing Amendment, Claims 1-20 are currently pending in this application. Claims 1, 6, 11, 16 have been amended to particularly point out and distinctly claim certain subject matter. In the specification, the abstract has been amended to comply with the 150 word limit. Applicant submits that no new matter has been introduced into the application by these amendments.

Allowable Subject Matter

The Examiner is thanked for indicating that claims 7-10 and 17-20 contain allowable subject matter if rewritten to overcome the 35 USC §112 rejection.

Objections to the Specification

The Examiner objected to the specification because the abstract exceeded the 150 word limit. The specification has been amended to provide a new abstract that is compliant with the 150 word limit. The withdrawal of the objection to the specification is respectfully requested.

Claim Rejections - 35 USC §112

Claims 1, 6, 11, and 16 stand rejected under 35 USC §112 as being indefinite for failing to particularly point out and distinctly claim the subject matter with applicant regards as the invention.

Claims 1, 6, 11 and 16 have been amended to remove the indefinite phrase "can be" and to particularly point out and distinctly claim certain subject matter.

Based on the arguments presented above, withdrawal of the 35 USC §112 rejection of claims 1, 6, 11, and 16 is respectfully requested.

Claim Rejections – 35 USC §103(a)

Claims 1-5 and 11-15 stand rejected as being unpatentable over U.S. Patent No. 6,016,311 to Gilbert et al. (hereinafter "Gilbert") in view of U.S. Patent No. 5,432,790 to Hluchyj et al. (hereinafter "Hluchyj").

Claim 1 recites:

> for each switching point:
>
> for each uplink and downlink, determining a number of users supportable by comparing a blocking probability for real time services with a required blocking probability of real time services and comparing an average delay of non-real time services with a required average delay of non-real time services; and
>
> selecting a minimum of the uplink and downlink users supportable as the number of users supportable for that switching point;

Gilbert discloses an adaptive time division duplexing method that allows time slots to be flexibly and adaptively used for either uplink or downlink transmissions (Column 7, Lines 19-21). In this manner Gilbert can dynamically set the ratio of uplink and downlink time slots (Column 8, Line 29). Gilbert teaches the use of a frame-based allocation scheme (Fig. 3a, Column 8, Lines 38-40), which resembles the switching point of claim 1. However, there is nothing in Gilbert that teaches or suggests a method that evaluates "each switching point" as recited in Claim 1.

Hluchyj discloses a method of maintaining the end-to-end delay QoS objectives for different traffic types with achieving statistical gains by allocating less bandwidth than the sum of the peak rates of traffic sources multiplexed on that link (Column 1, Lines 60-64). Hluchyj discloses considering both real time and non-real time traffic sources to guarantee a worst case end-to-end delay (See Column 2, Lines 34-45). However, Hluchyj teaches using the sum of the delays to determine if the current system parameters are sufficient to provide the worst case delay scenario; if not, the connection is rejected (Fig. 6, Step 516). Blocking probability is not used by Hluchyj to determine the number of users supportable. Hluchyj does not teach or suggest determining a number of users supportable by comparing a blocking probability of real time services with a required blocking probability of real time services, as claimed. Hluchyj does not teach nor suggest that such a

determination be done for each switching point. Hluchyj is silent with regard to switching points.

There is nothing in Gilbert nor Hluchyj that discloses, teaches or suggests for each switching point, determining a number of users supportable by comparing a blocking probability of real time services with a required blocking probability of real time services. Neither Gilbert nor Hluchyj, considered alone or in combination, make a teaching or suggestion of how such a benefit can be achieved for maximizing the number of users supportable by the communication system. For the above reasons, Claim 1 is distinguishable over Gilbert and Hluchyj.

Claims 2-5 depend from Claim 1, which Applicant believes to be distinguishable over the subject matter of the cited references for the same reasons provided above regarding Claim 1.

Claim 11 is directed to a radio network controller configured to utilize the method of Claim 1, which the Applicant believes to be distinguishable over the cited references for the reasons presented above regarding Claim 1.

Claims 12-15 depend from Claim 11, which Applicant believes distinguishable over Gilbert and Hluchyj for the reasons given above.

Based on the arguments presented above, withdrawal of the 35 USC §103(a) rejection of claims 1-5 and 11-15 is respectfully requested.

Conclusion

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephone interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing amendment and remarks, Applicants respectfully submit that the present application, including claims 1-20, is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

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